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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,975	06/14/2005	Roland Hans Serrander	P17115-US1	9473
27045	7590	09/21/2006	EXAMINER WOOD, KEVIN S	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			ART UNIT 2874	PAPER NUMBER

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/538,975	Applicant(s) SERRANDER ET AL.	
	Examiner Kevin S. Wood	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Response to Amendment

1. This action is responsive to the Amendment filed on 14 July 2006. Claims 1-6 have been cancelled. Claims 7 and 11 have been amended. Claims 7-12 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification of the current application does not disclose that the micro ducts comprise tubes where the end opening are the only access to the pathway of each tube. The specification also fails to disclose the

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steps of **individually** inserting a patch cable into each of the plurality of micro ducts through one of the end openings; **individually** feeding each patch cable through each duct and through another one of the end openings; and **individually** adjusting each patch cable length between the respective first and second ones of the plurality system.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,142,606 to Carney et al. in view of U.S. Patent No. 5,753,855 to Nicoli et al.

Referring to claim 7, the Carney et al. reference discloses an apparatus for flexible installation of an optical patch cable in a telecommunication station between

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equipment in the station, the apparatus comprising: a micro duct (42) for guidance of the patch cable, the duct having duct end openings related to the equipment, the end openings being adapted to receive the patch cable for insertion into the micro duct. See Fig. 1 of the reference along with its respective portion of the specification. The Carney et al. reference does not appear to specifically disclose that the micro ducts (42) comprise tubes where the end opening are the only access to the pathway of each tube. The Nicoli et al. reference discloses cable or wiring ducts comprising tubes where the only access to the pathway is the end openings. The purpose of the Nicoli et al. reference ducts is to allow for the proper routing of wires and/or cables while maintaining the proper bend radii for the wires and/or cables. Since the Carney et al. reference and the Nicoli et al. reference are both from the same field of endeavor, the purpose disclosed by the Nicoli et al. reference would have been recognized within the pertinent art of the Carney et al. reference. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize tube style ducts with access only at the end openings as the ducts within the invention of the Carney et al. reference, since it would ensure that the proper bend radius of the optical fibers/cables are maintained.

Referring to claim 8, the Carney et al. reference discloses a means for feeding the patch cable through the duct (42); means for adjusting the patch cable length between the equipment; and means for assembling a connector to at least one end of the patch cable. See Fig. 1-28 of the reference along with their respective portions of

the specification. The reference discloses that it is designed to be used with optical fiber connectors and storage spools.

Referring to claim 9, the Carney et al. reference discloses the duct (42) comprises spliced parts (elements). See Fig. 1-28 of the reference along with their respective portions of the specification.

Referring to claim 10, the Carney et al. reference discloses the duct (42) may have more than two end openings. See Fig. 1-28 of the reference along with their respective portions of the specification.

Referring to claim 11, the Carney et al. reference discloses all the limitations of the claimed method. The Carney et al. reference discloses a method for flexible installation of an optical patch cable in a telecommunication station between equipment in the station, the method comprising the steps of: installing a micro duct (42) in the telecommunication station, the duct being installed with duct end openings related to the equipment; inserting a patch cable (66,662) into the micro duct (42) through one of the end openings; feeding the patch cable through the duct and through another one of the end openings; adjusting the patch cable length between the equipment; and assembling a connector to at least one end of the patch cable. See Fig. 1-28 of the reference along with their respective portions of the specification. The Carney et al. reference does not appear to specifically disclose that the micro ducts (42) comprise tubes where the end opening are the only access to the pathway of each tube. The Nicoli et al. reference discloses cable or wiring ducts comprising tubes where the only access to the pathway is the end openings. The purpose of the Nicoli et al. reference ducts is to allow

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for the proper routing of wires and/or cables while maintaining the proper bend radii for the wires and/or cables. Since the Carney et al. reference and the Nicoli et al. reference are both from the same field of endeavor, the purpose disclosed by the Nicoli et al. reference would have been recognized within the pertinent art of the Carney et al. reference. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize tube style ducts with access only at the end openings as the ducts within the invention of the Carney et al. reference, since it would ensure that the proper bend radius of the optical fibers/cables are maintained.

Referring to claim 12, the Carney et al. reference discloses the duct (42) can be guided through the cabinet wall. See Fig. 1-28 of the reference along with their respective portions of the specification.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S. Wood whose telephone number is (571) 272-2364. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kevin S. Wood
Patent Examiner